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Legal Department

VIA FAX 202-622-1657

July 19, 2002

Chief of Records
Office of Foreign Assets Control
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Attn: Request for Comments

Re: Proposed Rules Governing Availability of Information

Ladies and Gentlemen:

Mellon Financial Corporation ("Mellon") welcomes the opportunity to comment on the proposed rule concerning the disclosure by the Office of Foreign Assets Control ("OFAC") of certain civil penalties information.

Mellon supports in part, the proposal to make available certain civil penalty information. Specifically, we support the proposed periodic disclosure of the following information with respect to each matter: (i) the sanctions program involved; (ii) a brief description of the violation; and (iii) the amount of the penalty imposed or settlement amount. Mellon also supports, and hereby encourages OFAC to consider, disclosure of (y) the type of institution penalized (e.g., commercial bank, broker-dealer, insurance company, manufacturer, individual, etc.); and (z) the mitigating and aggravating factors involved in each settlement decision. Disclosure of the foregoing information will assist interested persons in developing compliance programs and better understanding OFAC's interpretation of the various laws, regulations and executive orders involved.

Mellon does not support, and argues strongly against, the disclosure of the identity of the institution or individual penalized or with which a settlement is negotiated. Disclosure of such information will do nothing to advance OFAC's stated policy goal of making its enforcement activities more transparent to the public, and may deter self-reporting by institutions and persons having unintentionally violated the various sanctions programs. Further, with respect to settlements, there has been no admission or finding of a violation. Disclosure of the particular party involved under such circumstances will only further damage the reputation of the party involved. Such information is available through the FOIA procedure to those who truly feel the need to have the information. Disclosure to the general public will serve no good purpose.

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Mellon appreciates the opportunity to comment on the proposed rule. If you have any questions, please feel free to contact me at 412-236-8739.

Respectfully submitted,

MELLON FINANCIAL CORPORATION

By: 

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